

**Withrow & Terranova**

Professional Limited Liability Company

Attorneys At Law  
Registered Patent Attorneys*A High Technology Patent Practice*

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JUL 11 2002

PETITIONS OFFICE

## FACSIMILE TRANSMITTAL SHEET

TO:	Office of Petitions	FROM:	Benjamin S. Withrow
COMPANY:	USPTO	DATE:	July 11, 2002
FAX NUMBER:	703-308-6916	TOTAL NO. OF PAGES INCLUDING COVER:	7
PHONE NUMBER:		SENDER'S REFERENCE NUMBER:	7000-107
RE:	Resubmission of petition	YOUR REFERENCE NUMBER:	10/050,091

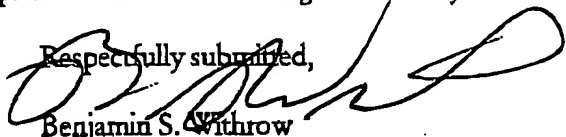
☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ ORIGINAL TO FOLLOW

## NOTES/COMMENTS:

Enclosed is a copy of a petition filed March 25, 2002, along with a copy of the postcard indicating receipt. It is our understanding that this petition never reached your office from customer service. Please note that a credit card payment form for \$130.00 was submitted with the original petition, and as such the requisite fee has already been paid. Included with this resubmission is a copy of the signed Declaration indicating that we attempted to file the subject application by Express Mail and it was rejected by the U.S. Postal Service.

If you require further information, please contact the undersigned attorney.

Respectfully submitted,

  
Benjamin S. Withrow  
Reg. No. 40,876

NOTE: The information contained in this transmission is privileged and confidential and intended ONLY for the individual or entity named above. If you should receive this transmission in error, please notify our office and return to the below address via the U.S. Postal Service.

201 SHANNON OAKS CIRCLE, SUITE 200  
CARY, NC 27511  
PH: (919) 654-4520  
FAX: (919) 654-4521

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: *Au et al.*

Examiner: Maung, Nay Aung

Serial No. 10/050,091

Art Unit: 2681

Filed: 11/16/2001

For: **SCHEDULER WITH FAIRNESS CONTROL AND QUALITY OF SERVICE SUPPORT**

Attention: Special Program Law Office

Commissioner for Patents

Washington, D.C. 20231

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PETITIONS OFFICE

Sir:

**PETITION TO CORRECT FILING DATE AND  
REQUEST TO CORRECT FILING RECEIPT**

This is a petition to correct the filing date for the above-referenced patent application from January 17, 2002 to November 16, 2001. On the afternoon of Friday, November 16, 2001, Jennifer Garrison attempted to file the above-referenced application via the United States Postal Service's "Express Mail to Addressee" service at the post office in Cary, North Carolina. The express mail package was refused by the post office due to events stemming from the September 11<sup>th</sup> terrorist attacks and anthrax concerns. On the following Monday, November 19, 2001, Jennifer Garrison filed the application via first class mail on the condition that it was refused, accompanied by a petition, a copy of which is enclosed, to the Commissioner to afford the application a filing date of November 16, 2001. The application included all paperwork including the original certificate of Express Mail. With apparent disregard for the petition, the application was given a filing date of January 17, 2002, although the application is entitled to a filing date of November 16, 2001. Accordingly, the Commissioner is hereby requested to correct the filing date.

A review of the refusal to grant a filing date as of the date of deposit of the application should be done by way of petition, accompanied by the petition fee under 37 C.F.R. 1.17(i). An enclosed credit card payment form in the amount of \$130.00 is provided to cover the petition fee. Since the error was caused by the USPTO, applicant requests a refund of the petition fee upon granting the petition to correct the filing date of the application. MPEP § 506.02.

Given the interruption in U.S. Postal Service on November 16, 2001, applicant is entitled to the filing date of November 16, 2001 because the application was promptly filed in an alternative manner and accompanied by a statement indicating that such correspondence would have been filed on November 16, 2001 if it were not for the designated interruption in the U.S. Postal service (see 37 C.F.R. 1.6(e) and MPEP § 502).

Prompt attention to this matter is respectfully requested.

In addition, the first- and third-named inventors are incorrect on the filing receipt. A correction is hereby requested as follows:

First-named inventor: Kelvin Kar-Kin Au

Third-name inventor: Yoon Chae Cheong

A copy of the filing receipt is enclosed with changes marked in red.

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS DOCUMENT IS  
BEING DEPOSITED WITH THE UNITED STATES  
POSTAL SERVICE AS FIRST-CLASS MAIL, IN AN  
ENVELOPE ADDRESSED TO: SPECIAL  
PROGRAM LAW OFFICE, COMMISSIONER  
FOR PATENTS, WASHINGTON, D.C. 20231, ON  
3/25/02 (Date of Deposit)

Jennifer Rush

Name of Depositor

Jennifer Rush

Signature

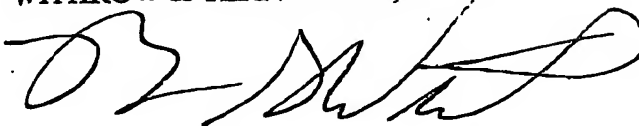
March 25, 2002

Date of Signature

Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By:



Benjamin S. Withrow

Registration No. 40,876

P.O. Box 1287

Cary, NC 27512

Telephone: (919) 654-4520

Date: March 25, 2002 Docket: 7000-107

4-3-02

In Re Application of  
Au et al.  
Serial No.: 10/050,091  
Filed: 11/16/2001

For: SCHEDULER WITH FAIRNESS  
CONTROL AND QUALITY OF SERVICE  
SUPPORT

## PAPERS SENT:

1. PETITION TO CORRECT FILING DATE
2. COPIES OF FILING PAPERWORK AS  
SUBMITTED
3. COPY OF FILING RECEIPT WITH  
CHANGES MARKED IN RED
4. CREDIT CARD PAYMENT FORM FOR  
\$130.00

DATE MAILED: March 25, 2002  
ATTORNEY DOCKET: 7000-107

FAX RECEIVED

JUL 11 2002

PETITIONS OFFICE





## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/050,091	01/17/2002	2681.	974	7000-107	3.	33	3

CONFIRMATION NO. 9121

27820  
WITHROW & TERRANOVA, P.L.L.C.  
P.O. BOX 1287  
CARY, NC 27512

## FILING RECEIPT



\*000000007558764\*

Date Mailed: 02/28/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

<sup>Au</sup>  
Kelvin Kar-Kin, Ottawa, CANADA;  
Gamini Senarath, Nepean, CANADA;  
Yoon Chae ~~Gyeong~~, Kanata, CANADA;  
Wei Huang, Nepean, CANADA;

cheong

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JUL 11 2002

PETITIONS OFFICE

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted 02/28/2002

Projected Publication Date: 07/17/2003

Non-Publication Request: No

Early Publication Request: No

## Title

Scheduler with fairness control and quality of service support

Preliminary Class

455

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR, Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: *Au et al.*

Serial No. TBA

Filed: 11/16/2001

For: **SCHEDULER WITH FAIRNESS CONTROL AND QUALITY OF SERVICE  
SUPPORT**

Commissioner for Patents

Box FILING DATE

Washington, D.C. 20231

Sir:

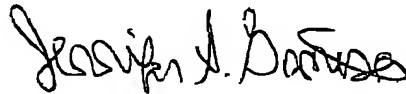
**REFUSAL OF EXPRESS MAIL BY UNITED STATES POSTAL SERVICE**

On November 16, 2001, I attempted to send the above-referenced application via the United States Postal Service's "Express Mail to Addressee" service from the post office in Cary, North Carolina. The Express Mail package was refused by the postal service. Accordingly, the Director is hereby requested to afford the enclosed application a filing date of November 16, 2001.

Respectfully submitted,

WITHROW &amp; TERRANOVA, P.L.L.C.

By:

Jennifer A. Garrison  
ParalegalWithrow & Terranova, P.L.L.C.  
P.O. Box 1287  
Cary, NC 27512  
Telephone: (919) 654-4520Date: November 19, 2001  
Attorney Docket: 7000-107

6703 308 6916

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\*\*\* RX REPORT \*\*\*  
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RECEPTION OK

TX/RX NO	7033
CONNECTION TEL	919 654 4521
CONNECTION ID	WITHROW & TERRAN
START TIME	07/11(TH)14:20
USAGE TIME	02'13"
PGS.	7
RESULT	OK